

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**IN RE NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS
LIABILITY LITIGATION**

MDL No. 2419
Dkt. No. 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:

All Actions

**[PROPOSED] ORDER REGARDING (1) BOX HILL'S MOTION FOR
RECONSIDERATION OF REMAND, (2) PLAINTIFFS KENNEDY AND
MUSSELWHITE'S JOINT MOTION FOR REMAND, AND (3) PAYMENT OF FEES
AND EXPENSES TO THE POST-CONFIRMATION OFFICER AND TORT TRUSTEE**

WHEREAS, the Court requested at the April 20, 2017 status conference that the PSC provide a status report regarding the steps necessary to move forward and resolve present and future matters before the MDL Court;

WHEREAS, the PSC filed its status report and identified issues to be addressed in the near-term including (1) Box Hill's Motion for Reconsideration of Remand or Transfer [Dkt. No. 3380] (2) Plaintiffs Kennedy and Musselwhite's Joint Motion to Transfer Venue and Remand to the Circuit Court of Cook County, Illinois Law Division [Dkt. No. 3379] and (3) the payment of current and reasonably expected fees and expenses of the Post-Confirmation Officer and Tort Trustee;

WHEREAS, the Tort Trustee expects to make the second distribution to national settlement claimants from the Tort Trust about August 2017; and

WHEREAS, the Box Hill and Specialty Surgery Bellwether trials are scheduled to begin in or about late 2017 and early 2018;

IT IS HEREBY ORDERED THAT:

1. Box Hill's Motion for Reconsideration of Remand or Transfer [Dkt. No. 3380] is DENIED;
2. Plaintiffs Kennedy and Musselwhite's Joint Motion to Transfer Venue and Remand to the Circuit Court of Cook County, Illinois Law Division [Dkt. No. 3379] is GRANTED; and
3. The Tort Trustee and Post-Confirmation Officer shall file a request for payment of fees and expenses by June 30, 2017. Such motion shall include (a) an accounting of present unpaid fees and expenses incurred, (b) a reasonable estimate of future fees and expenses, and (c) a proposed amount for each to retain within their control and to be withheld from transfer to or distribution from the Tort Trust. Responses to such requests shall be filed by July 15, 2017.

SO ORDERED.

Hon. Rya W. Zobel
United States District Judge